

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

BENCHMARK ELECTRICAL  
SOLUTIONS, INC.,

Plaintiff,

v.

No. CV 18-436 KWR/CG

DANCAR ENERGY  
CONSTRUCTION, LLC, et al.,

Defendants.

**ORDER SETTING TELEPHONIC STATUS CONFERENCE  
AND ZOOM SETTLEMENT CONFERENCE**

To facilitate a final disposition of this case, a mandatory settlement conference will be conducted in accordance with Federal Rule of Civil Procedure 16(a)(5). Due to the ongoing uncertainty created by the Covid-19 pandemic, and the likelihood that the need for social distancing will continue through the date of the scheduled settlement conference in this case, the Court will hold the upcoming settlement conference via Zoom.

The settlement conference will be held via Zoom on **Thursday June 11, 2020, at 9:00a.m.** A telephonic status conference will be held on **Wednesday, June 3, 2020, at 1:00p.m.** to discuss the parties' positions.

**IT IS HEREBY ORDERED** that the parties and a designated representative, other than counsel of record, with full authority to resolve the case, must attend the settlement conference; counsel who will try the case must also attend. All attorneys and parties involved in the settlement conference must treat as confidential the information

discussed, positions taken, and offers made by other participants in preparation for and during the conference.

**IT IS FURTHER ORDERED** that:

1. By **May 14, 2020**, Plaintiffs' counsel shall serve on Defendant's counsel a concise letter that sets forth a settlement demand itemizing the principle supporting damages or other relief that Plaintiffs assert would appropriately be granted at trial.
2. By **May 21, 2020**, Defendant's counsel shall serve on Plaintiffs' counsel a concise letter that sets forth a response to the settlement demand.
3. By **May 28, 2020**, each party shall provide to the Court:
  - a. A copy of each letter that was sent to an opposing party;
  - b. A confidential, concise letter containing an analysis of the strengths and weaknesses of its case; and
  - c. Any video or audio recordings of the incident upon which this action is based.
  - d. This letter should also contain the email addresses and phone numbers for all participants in the settlement conference. This contact information will be used to send the invitation to attend the settlement conference via Zoom.

These materials may be submitted to the Court by email at [garzaschambers@nmd.uscourts.gov](mailto:garzaschambers@nmd.uscourts.gov).

4. Each of these letters typically should be five (5) pages or fewer, and counsel will ensure that each party reads the opposing party's letter before the settlement conference.
5. Before **June 3, 2020**, counsel shall confer with one another about their clients' respective positions.
6. On **June 3, 2020, at 1:00p.m.**, counsel shall call Judge Garza's AT&T line at (877) 810-9415, follow the prompts, and enter access code 7467959, for a pre-settlement telephonic status conference.
7. The Court will send all participants a personal invitation to the Zoom meeting once it receives settlement materials from the parties.

A party must show good cause to vacate or reschedule the settlement conference. Any such request must provide the Court with sufficient notice to ensure that other matters may be scheduled in the time allotted for the settlement conference.

**IT IS SO ORDERED.**

A handwritten signature in black ink, appearing to read 'Carmen E. Garza', is written over a horizontal line.

THE HONORABLE CARMEN E. GARZA  
CHIEF UNITED STATES MAGISTRATE JUDGE